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**COMMENTS**

Re: U.S. Patent Application No. 09/813,898, filed: March 22, 2001

Inventors: Mitsuru SATO, et al.

For: TRACKING SERVO APPARATUS OF OPTICAL INFORMATION  
 RECORDING AND REPRODUCING APPARATUS

Confirmation No.: 4674

Examiner: P. Austin

Group Art Unit: 2652

Attorney Docket No.: 041514-5114

Please see the attached copy of the stamped postcard receipt stamped and dated October 29, 2004, a copy of the Response and Request for Reconsideration Transmittal Form filed October 29, 2004, and a copy of the Response and Request for Reconsideration under 37 C.F.R. §1.116 filed October 29, 2004. Please update PAIR to reflect filing and forward the filing and file to Examiner P. Agustin in Group Art Unit 2652 as soon as possible. This filing is AFTER FINAL.

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## PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

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In re application of: Mitsuru SATO et al. Confirmation No.: 4674

Application No.: 09/813,898 Group Art Unit: 2652

Filed: March 22, 2001 Examiner: P. Agustin

For: **TRACKING SERVO APPARATUS OF OPTICAL INFORMATION  
RECORDING AND REPRODUCING APPARATUS**

1. Response and Request for Reconsideration Transmittal Form
2. Response and Request for Reconsideration under 37 C.F.R. §1.116

The Commissioner is hereby authorized to charge Deposit Account 50-0310 in the amount of \$430.00 (2-month extension of time fee).

Dated: October 29, 2004  
Attorney Docket No.: 041514-5114

VDH/efc



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PATENT  
ATTORNEY DOCKET NO.: 041514-5114

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: )  
Mitsuru SATO et al. ) Confirmation No.: 4674  
Application No.: 09/813,898 ) Group Art Unit: 2652  
Filed: March 22, 2001 ) Examiner: P. Agustin  
For: TRACKING SERVO APPARATUS OF ) ATTN: Mail Stop AF  
OPTICAL INFORMATION RECORDING )  
AND REPRODUCING APPARATUS )

NOV 29 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
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Arlington, VA 22202

Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION TRANSMITTAL FORM

1. Transmitted herewith is a Response and Request for Reconsideration under 37 C.F.R. §1.116 in response to the Final Office Action dated June 2, 2004 (Paper No. 10).
2. Additional papers enclosed:

Information Disclosure Statement  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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Application No.: 09/813,898  
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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 430.00	\$ 215.00
<input type="checkbox"/> three months	\$ 980.00	\$ 490.00
<input type="checkbox"/> four months	\$ 1,530.00	\$ 765.00

Extension of time fee due with this request: \$430.00.

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a ~~CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with~~ 37 C.F.R. § 1.136(a)(3).

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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	2	minus	20	0	x \$18 each=	+\$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$86 each=	+\$0.00
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+\$0.00
SUB-TOTAL =						\$0.00
Reduction by 1/4 for filing by a small entity						-\$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

No fee is to be paid at this time.

Please charge Deposit Account No. 50-0310 the amount of \$430.00 for the 2-month extension of time fee.

The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,  
**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 29, 2004

By:

  
 Victoria D. Hao

Registration No. 47,630

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